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Date: FEBRUARY 6, 2006

To: EXAMINER RANDY PEACHES
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (571) 273-8300

From: FRANK C. NICHOLAS
Phone #: (847) 424.2521

Client/Matter No.: 7780/17 (T00343)

of Pages: 21
(including cover sheet)

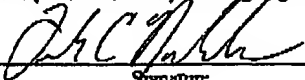
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PATENT
Case No. 7780/17
(T00343)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------|---|--------------------------|
| In re patent application of: |) | |
| |) | |
| WEIJING CHEN, ET AL. |) | Examiner: PEACHES, RANDY |
| |) | |
| Serial No.: 09/932,842 |) | |
| |) | Group Art Unit: 2686 |
| Filed: AUGUST 17, 2001 |) | |
| |) | |
| Title: PUBLIC WIRELESS LOCAL |) | |
| AREA NETWORK |) | |

RESPONSE TO NOTICE OF NONCOMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

In response to the Notice of Noncompliant Appeal Brief mailed January 12, 2006,
please consider the following remarks:

February 6, 2006
Case No.: 7780/17 (T00343)
Serial No.: 09/932,842
Filed: August 17, 2001
Page 2 of 3

– REMARKS –

Contrary to the assertions of the Notice of Noncompliant Appeal Brief mailed January 12, 2006, the Appeal Brief filed on October 11, 2005 in fact is compliant with all requirements.

On January 17, 2006, Appellants' counsel Paul M. Hletko spoke with Examiner Randy Peaches. Appellants appreciate Examiner Peaches' many courtesies, as well as his time in reviewing this matter. On January 17, 2006, Examiner Peaches agreed with Appellants counsel Hletko that the Brief filed on October 11, 2005 was indeed compliant, and indicated that an interview summary confirming would issue shortly.

As of the date of this filing, no such document has been received, and review of PAIR indicates that no such document has been prepared or mailed. Therefore, Appellants file this response, as well as another copy of the brief filed on October 11, 2005 for the convenience of the Office.

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This application is now believed to be in condition for allowance. Such action is respectfully requested, and the Examiner is invited to telephone Appellants' attorney to discuss any remaining matters.

Dated: February 6, 2006

Respectfully submitted,

WEIJING CHEN, *et al.*

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October 11, 2005
Date of Signature

PATENT
Case No. 7780/17
(T00343)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

| | | |
|------------------------------|---|--------------------------|
| In re patent application of: |) | |
| |) | |
| WEIJING CHEN ET AL. |) | Examiner: PEACHES, RANDY |
| |) | |
| Serial No.: 09/932,842 |) | |
| |) | |
| Filed: AUGUST 17, 2001 |) | Group Art Unit: 2686 |
| |) | |
| Title: PUBLIC WIRELESS LOCAL |) | |
| AREA NETWORK |) | |

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

Please consider Appellants' Appeal brief as follows:

October 11, 2005
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Filed: August 17, 2001
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1. REAL PARTY IN INTEREST

The real party in interest is Assignee SBC KNOWLEDGE VENTURES.

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2. RELATED APPEALS AND INTERFERENCES

Appellants and the undersigned attorneys are not aware of any appeals or any interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

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3. STATUS OF CLAIMS

Claims 1-2 and 4-5 stand rejected as anticipated by Lemieux, United States Patent No. 6,452,942.

Claims 6-8, 10-11, 13-14, 16, and 18-19 stand rejected as unpatentable over Lemieux in view of Soussi, United States Patent Publication 2002/0142721A1.

Claim 3 stand rejected as unpatentable over Lemieux in view of Tuli, United States Patent 6,633,314B1.

Claims 12 and 17 stand rejected as unpatentable over Lemieux in view of Soussi, and in further view of Tuli.

Claim 9 stands rejected as unpatentable over Lemieux in view of Nojima, United States Patent 6,233,460.

Claims 15 and 20 stand rejected as unpatentable over Lemieux in view of Soussi, and in further view of Nojima.

Claims 1-20 are the claims on appeal. *See*, Appendix.

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4. STATUS OF AMENDMENTS

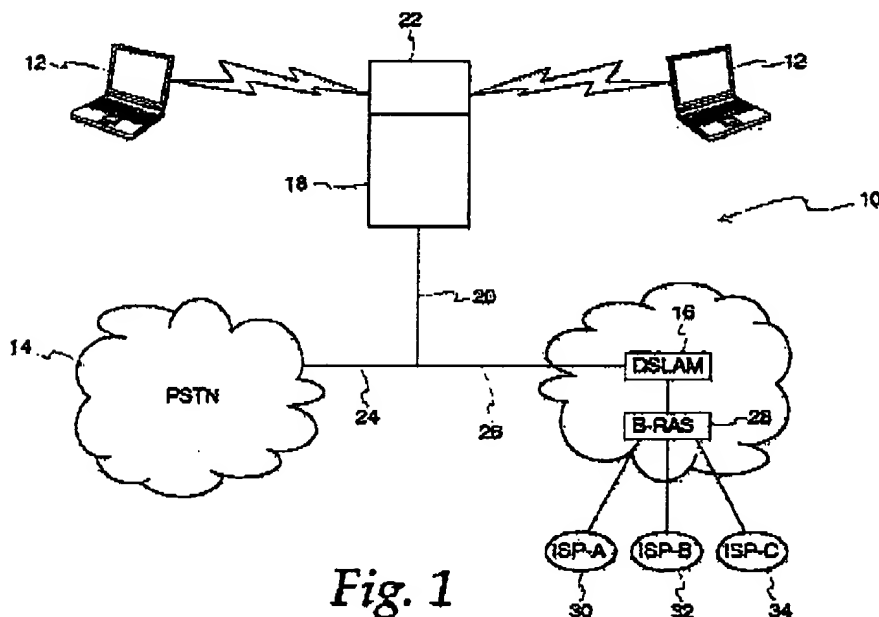
No amendments have been made.

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5. SUMMARY OF CLAIMED SUBJECT MATTER

In this summary of claimed subject matter, all citations are to the specification of United States Patent Application 09/932,842 filed on August 17, 2001. Further, all citations are illustrative only and support for the cited element may be found elsewhere in the specification.

The invention relates to a system for establishing a public wireless local area network 10 for a plurality of wireless communication devices 12. The system includes a public switched telephone network 14 and a digital subscriber line access multiplexer 16 in communication with the public switched network. The system further includes at least one public telephone 18 in communication with the public switched telephone network, and a wireless local area network hub 22 in communication with the public telephone and with the digital subscriber line access multiplexer, the wireless local area network hub being adapted to establish a digital subscriber line connection with the wireless communication devices. See, inter alia, FIG. 1 (below), and page 3 line 10 to page 4 line 15.



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6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-2 and 4-5 were rejected as anticipated by Lemieux, United States Patent No. 6,452,942.

Claims 6-8, 10-11, 13-14, 16, and 18-19 were rejected as unparentable over Lemieux in view of Soussi, United States Patent Publication 2002/0142721A1.

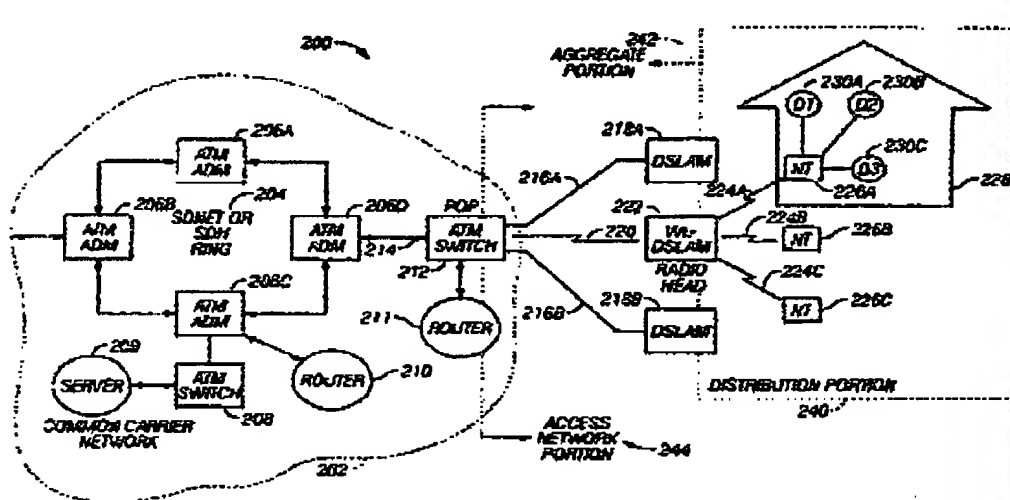
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7. ARGUMENTS

Independent claims 1, 10 and 16 were rejected, in whole or in part, over U.S. Patent No. 6,452,942 to Lemieux. Those independent claims all recite at least one public telephone. The Examiner contends that the devices D1-D3 of Lemieux '942 meet this limitation. The Examiner misstates the disclosures of Lemieux:

Each of the distribution channels is terminated with a network termination (NT) node or module that is provided at a user's (or subscriber's) home, office, business, or any other facility. For example, three NT modules 226A-226C are shown in this FIG. Also, for purposes of illustration, the NT module 226A is provided at a subscriber's facility 228 which includes three devices, D1 (reference numeral 230A), D2 (reference numeral 230B), and D3 (reference numeral 230C), each requiring a portion of the bandwidth provided by the distribution channel 224A.

Lemieux '942 at column 4, lines 23-31.



Clearly, the devices D1-D3 are not public telephones.

The remaining claims depend directly or indirectly from one of independent claims 1, 10, or 16. All of the claims are therefore patentable.

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SUMMARY

The Appellants respectfully submit that the Examiner's final rejection of claims 1-20 should be reversed.

Respectfully submitted,

Dated: October 11, 2005

Respectfully submitted,
Weijing Chen, et al

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Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants

October 11, 2005
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CLAIMS APPENDIX

1. A system for establishing a public wireless local area network for a plurality of wireless communication devices, the system comprising:

a public switched telephone network;

a digital subscriber line access multiplexer in communication with the public switched network;

at least one public telephone in communication with the public switched telephone network; and

a wireless local area network hub in communication with the public telephone and with the digital subscriber line access multiplexer, the wireless local area network hub being adapted to establish a digital subscriber line connection with the wireless communication devices.

2. The system of claim 1 further comprising:

a broadband remote access service in communication with the digital subscriber line access multiplexer.

3. The system of claim 2 wherein the broadband remote access service provides a connection between the wireless communication devices and an Internet service provider.

4. The system of claim 2 wherein the broadband remote access service provides a connection between the wireless communication devices and a private network.

5. The system of claim 1 wherein the at least one public telephone is in communication with the public switched telephone network over a pair of copper wires.

6. The system of claim 1 wherein the wireless local area network hub operates according to IEEE standard 802.11b.

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7. The system of claim 1 wherein the wireless local area network hub operates according to IEEE standard 802.11a.

8. The system of claim 1 wherein the wireless local area network hub operates according to IEEE standard 802.11g.

9. The system of claim 1 wherein the at least one public telephone is located in a booth.

10. A system for establishing a public wireless local area network for a plurality of wireless communication devices, the system comprising:

a public switched telephone network;

a digital subscriber line access multiplexer in communication with the publicly switched network;

at least one public telephone in communication with the publicly switched telephone network; and

a wireless local area network hub operating according to IEEE standard 802.11b, the wireless local area network hub in communication with the public telephone and with the digital subscriber line access multiplexer, the wireless local area network hub being adapted to establish a digital subscriber line connection with the wireless communication devices.

11. The system of claim 10 further comprising:

a broadband remote access service in communication with the digital subscriber line access multiplexer.

12. The system of claim 11 wherein the broadband remote access service provides a connection between the wireless communication devices and an Internet service provider.

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13. The system of claim 11 wherein the broadband remote access service provides a connection between the wireless communication devices and a private network.
14. The system of claim 10 wherein the at least one public telephone is in communication with the public switched telephone network over a pair of copper wires.
15. The system of claim 10 wherein the at least one public telephone is located in a booth.
16. A system for establishing a public wireless local area network for a plurality of wireless communication devices, the system comprising:
a public switched telephone network;
a digital subscriber line access multiplexer in communication with the public switched network;
at least one public telephone in communication with the public switched telephone network;
a wireless local area network hub operating according to IEEE standard 802.11b, the wireless local area network hub in communication with the public telephone and with the digital subscriber line access multiplexer, the wireless local area network hub being adapted to establish a digital subscriber line connection with the wireless communication devices; and
a broadband remote access service in communication with the digital subscriber line access multiplexer.
17. The system of claim 16 wherein the broadband remote access service provides a connection between the wireless communication devices and an Internet service provider.
18. The system of claim 16 wherein the broadband remote access service provides a connection between the wireless communication devices and a private network.

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19. The system of claim 16 wherein the at least one public telephone is in communication with the public switched telephone network over a pair of copper wires.

20. The system of claim 16 wherein the at least one public telephone is located in a booth.

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Evidence Appendix

None.

Related Proceedings Appendix

None.

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FD-302a (7-67). Approved for use through 03-00-00. OMB 051-0001. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE.


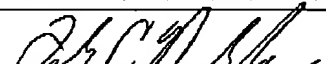
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|---|----------------------|------------------|
| <p style="text-align: center;">TRANSMITTAL FORM</p> <p><i>(to be used for all correspondence after initial filing)</i></p> | Attorney Docket No. | 7780/17 (T00343) |
| | Application Number | 09/932,842 |
| | Filing Date | AUGUST 17, 2001 |
| | First Named Inventor | WEIJING CHEN |
| | Group Art Unit | 2686 |
| | Examiner | PEACHES, RANDY |

| ENCLOSURES (check all that apply) | | |
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| <input checked="" type="checkbox"/> Response to Notice of Noncompliant Appeal Brief <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Extension of Time Request (duplic) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, an <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Petition to Revoke Application <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Brief (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt |
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| Indep | | Minus | | |
| First Presentation of Multiple Dep. Claim | | | | |

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| $\times \$100=$ | 0 | | $\times \$200=$ | |
| $+\$180=$ | — | | $+\$360=$ | |
| total add'l fee | \$ 0 | | total add'l fee | \$ 0 |

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| Firm or Individual name | FRANK C. NICHOLAS Registration No. 33,983 Cardinal Law Group 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201 | | |
| Signature |  | Date: | FEBRUARY 6 2006 |
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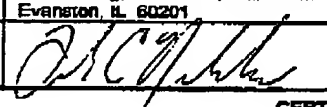
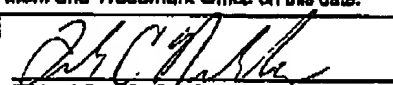
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| | | |
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Attorney Docket No. | 7780/17 (T00343) |
| | Application Number | 09/932,842 |
| | Filing Date | AUGUST 17, 2001 |
| | First Named Inventor | WEIJING CHEN |
| | Group Art Unit | 2686 |
| | Examiner | PEACHES, RANDY |

| ENCLOSURES (check all that apply) | | |
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| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed. | | |
| <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed. | | |

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|---|------------------------|--------------------------------|---------------|----------------------|-----------|----------------------|-----------|
| | Claims After Amendment | Highest No Previously Paid For | Present Extra | Rate | Add'l Fee | Rate | Add'l Fee |
| Total | Minus | | | x \$25= | 0 | x \$50= | |
| Indep | Minus | | | x \$100= | 0 | x \$200= | |
| First Presentation of Multiple Dep. Claim | | | | + \$180= | — | + \$360= | |
| | | | | total add'l fee \$ 0 | | total add'l fee \$ 0 | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|---|---|-------|------------------|
| Firm or Individual name | FRANK C. NICHOLAS Registration No. 33,983 Cardinal Law Group 1803 Orrington Avenue, Suite 2000 Evanston, IL 60201 | | |
| Signature |  | Date: | FEBRUARY 6, 2006 |
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